

State Bar's Disciplinary Process Is Much Like Court System

Though the labels are different, the State Bar's disciplinary process works much like the criminal court system:

- The Bar's Grievance Committee acts much like a grand jury does, considering complaints in private and deciding whether there is probable cause to refer a case to the Disciplinary Hearing Commission for public trial and possible sanctions.
- If a case is referred to the Disciplinary Hearing Commission, the Bar's attorneys act as prosecutors, laying out evidence and arguments for why a lawyer should be disciplined. The accused lawyer can have his or her own defense attorney as well.
- The Disciplinary Hearing Commission is an administrative court that is independent of the State Bar. Sitting in panels of three members – two lawyers and one non-lawyer – the Commission acts much like a Superior Court. It publicly hears evidence, decides whether ethical rules have been broken and decides what, if any, discipline to impose.
- The Commission's hearings occur in two phases. In the first phase, the hearing panel determines whether the lawyer committed any ethical violations. If the hearing panel finds that a lawyer has violated the Rules of Professional Conduct, the hearing panel decides in the second phase what discipline to impose.
- If either the Bar or the defendant lawyer disagrees with a matter of law in the hearing panel's decision, either side can appeal the decision to the N.C. Court of Appeals.